

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

PAUL EDWARD DURAN,
Plaintiff,
v.
LONGORIA, CASE, E. PARKS, M.
GAMBOA, W. SINKOVICH,
Defendants.

Case No. 1:20-cv-0289-JLT-HBK (PC)

**ORDER ADOPTING FINDINGS AND
RECOMMENDATION**

(Doc. 27)

The Magistrate Judge filed findings and recommendations, recommending that Plaintiff proceed only on his First Amendment free exercise of religion claim against Defendant Longoria and that all other claims and Defendants be dismissed. (Doc. 27.) Plaintiff filed objections on April 5, 2023. (Doc. No. 29.) Also within Plaintiff objections was a request for the appointment of counsel. (*Id.* at 5.) Plaintiff requests counsel because “he is not a lawyer and to grant him an attorney by the court to help him with this instant complaint.” (*Id.*)

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), the Court has conducted a de novo review of this case. Having carefully reviewed the entire file, the Court finds the findings and recommendations to be supported by the record and by proper analysis. Plaintiff does not object to the findings allowing his First Amendment claim to proceed. Regarding the recommended dismissal of Plaintiff's other claims, brought pursuant to the Fifth and Fourteenth Amendments and for supervisory liability, Plaintiff's arguments do not meaningfully call into

1 question the reasoning provided in the findings and recommendations.

2 Furthermore, Plaintiff's request for appointment of counsel is denied. Plaintiff has not
3 met his "burden of demonstrating exceptional circumstances." *Jones v. Chen*, 2014 WL
4 12684497, at *1 (E.D. Cal. Jan. 14, 2014). Plaintiff is not entitled to counsel purely because of
5 his status as a pro se litigant and is only facing normal challenges that are faced by other pro se
6 litigants which does not warrant appointment of counsel. *Siglar v. Hopkins*, 822 F. App'x 610,
7 612 (9th Cir. 2020) (denying appointment of counsel because the plaintiff's "circumstances were
8 not exceptionally different from the majority of the challenges faced by pro se litigants."). Thus,
9 the Court **ORDERS**:

10 1. The findings and recommendation, filed on March 21, 2023, (Doc. 27) are **ADOPTED**

11 **IN FULL.**

12 2. Plaintiff's request for appointment of counsel which is incorporated in his objections
13 (Doc. 29) is **DENIED**.

14 IT IS SO ORDERED.

15 Dated: April 14, 2023


UNITED STATES DISTRICT JUDGE

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